

IN RE: PETITION FOR ZONING VARIANCE  
N/S Hiss Avenue, 395' +/- E  
3004 1/2 Hiss Avenue  
14th Election District  
6th Councilmanic District  
John Douglas Tebera, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 and 400.1 to allow a side yard setback of 4 feet in lieu of the required 10 feet for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet for an existing building with a rear yard setback of 6 inches in lieu of the required 30 feet and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard with a side yard setback of 9 inches in lieu of the required 2.5 feet respectively, in accordance with Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3004 1/2 Hiss Avenue, consists of .264 acres +/-, is zoned D.R. 5.5, and is currently improved with a single family dwelling.

The Petitioners testified that the existing dwelling was originally constructed to serve as a carriage house, and was subsequently converted into a residential dwelling.

The Petitioners further testified that the existing shed to the rear of the lot and the existing improvement on the northwesterly side of the

existing dwelling will both be removed prior to the construction of the proposed addition. The Petitioners also stated that the proposed addition will have no basement.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of August, 1989 to allow a side yard setback of 4 feet in lieu of the required 10 feet for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet for an existing building with a rear yard setback of 6 inches in lieu of the required 30 feet and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard with a side yard setback of 9 inches in lieu of the required 2.5 feet respectively, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

-2-

JRH:mmn  
cc: Peoples Counsel

Zoning Description

Beginning of the point on the northerly side of Hiss Ave at a distance of 276 feet east of the centerline of Harford Rd and known as lot 10, Plat book 2 folio 363, also known as 3004 1/2 Hiss Avenue in the 14th Election District.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

February 27, 1990

Mr. J. Douglas Tebera  
3004 1/2 Hiss Avenue  
Baltimore, Maryland 21204

RE: Case No. 90-39-A

Dear Mr. Tebera:

I am in receipt of your letter dated February 21, 1990 concerning the possible incorporation of a basement under the proposed addition. If I understand the letter correctly, you wish to place a basement under the area shown as the "Proposed two story addition footprint" on Petitioner's Exhibit No. 1.

If I have interpreted your request correctly, there is no problem or prohibition with obtaining a building permit for the same setbacks for the proposed addition with or without a basement. The basement would not change the setback and area variances that you were granted.

If you have any further questions concerning this matter, please feel free to contact Mr. Carl Richards, Zoning Coordinator, 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn

County Office Building  
Mr. J. Robert Haines  
Zoning Commissioner  
111 W. Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Re: Zoning hearing 90-39-A on 8/8/89

Dear J. Robert Haines:

Please contact me regarding possible zoning problems if I incorporate a basement into the design of my home addition. At the time of the hearing I had no plans for a basement, but now I am weighing the pros and cons.

Sincerely yours,  
J. Douglas Tebera  
J. Douglas Tebera

jdt/rak

RECEIVED  
FEB 22 1990

ZONING OFFICE

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.8.0.2.3C.1 & 400.1 to allow a side yard setback of 4 ft. in lieu of the required 10' for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 ft. for an existing bldg. with a rear yard setback of 6 inches in lieu of the required 30 ft. and to permit an existing accessory structure (shed) to be located in the front yd. in lieu of the required rear yard with a side yard setback of 9 inches in lieu of the required 2.5 ft. respectively, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions: (Indicate hardship or practical difficulty) because the existing single-family residence has only one bedroom, one bathroom, no basement, no attic, and little closet space, we propose to add two bedrooms, another bath, a work shop, replace the existing living room, and create a basement. (Practical Difficulties) because of the location of the home on the property, it is impossible to create an addition to the southwest or northeast sides without violating a side or rear setback requirement. An addition cannot be added to the west side of the building since this is the main entrance to the home and cannot be relocated. (Proposed Solution) The proposed plan calls for removing the existing living room in the northwest corner and creating the addition as outlined on the plat. Property is to be posted and advertised as prescribed by Zoning Regulations. (SEE ATTACHED)

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

John Douglas Tebera

(Type or Print Name)

Signature

Jeanne Christina Schmagel Tebera

(Type or Print Name)

Signature

3004 1/2 Hiss Avenue 661-5720

Address Phone No.

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 31 day

of August, 1989, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore

County, on the 8 day of August, 1989, at 2 o'clock

P.M.

ESTIMATED LENGTH OF HEARING - 1 1/2 HRS.

AVAILABLE FOR HEARING - 10:00 A.M. - 2:00 P.M.

OTHER

# 495

Attachment

Existing shed located to the south of the main structure has been in existence an indeterminate number of years and we wish to have it remain. The shed is the only storage point for lawnmowers, tools, paint, etc. since the existing shed in the rear of the property is to be removed.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

August 14, 1989

Dennis F. Rasmussen  
County Executive

Mr. and Mrs. John Douglas Tebera  
3004 1/2 Hiss Avenue  
Baltimore, Maryland 21234

RE: Petition for Zoning Variance  
Case No. 90-39-A

Dear Mr. and Mrs. Tebera:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
cc: Peoples Counsel

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th  
Posted for: Variance  
Petitioner: John Douglas Tebera, et ux  
Location of property: N/S Hiss Ave, 3004 1/2 Hiss Ave  
Location of Sign: Front of property, 3004 1/2 Hiss Ave  
Remarks: See attached plat  
Posted by: J. Robert Haines  
Number of Signs: 3  
Date of Posting: 7/21/89  
Date of return: 7/27/89

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE 7/21/89

Mr. & Mrs. John Douglas Tebera  
3004 1/2 Hiss Avenue  
Baltimore, Maryland 21234

Re: Petition for Zoning Variance  
CASE NUMBER 90-39-A  
N/S Hiss Avenue, 3004 1/2 Hiss Ave  
3004 1/2 Hiss Avenue  
14th Election District - 6th Councilmanic  
Petitioner(s): John Douglas Tebera, et ux  
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Tebera:

Please be advised that \$114.93 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 074659  
check # 320

DATE 8/1/89 ACCOUNT RUIGICOUU  
AMOUNT \$ 114.93

RECEIVED FROM JOHN DOUGLAS TEBERA ET UX  
FOR D.D. 90-39-A  
6 8102\*\*\*\*\*114838 3086F

VALIDATION OR SIGNATURE OF CASHIER  
DATE 8/1/89 FILE

Maryland. Bring the County Office Building fifteen (15)

post set(s), there for each such set



## MSF/lvw

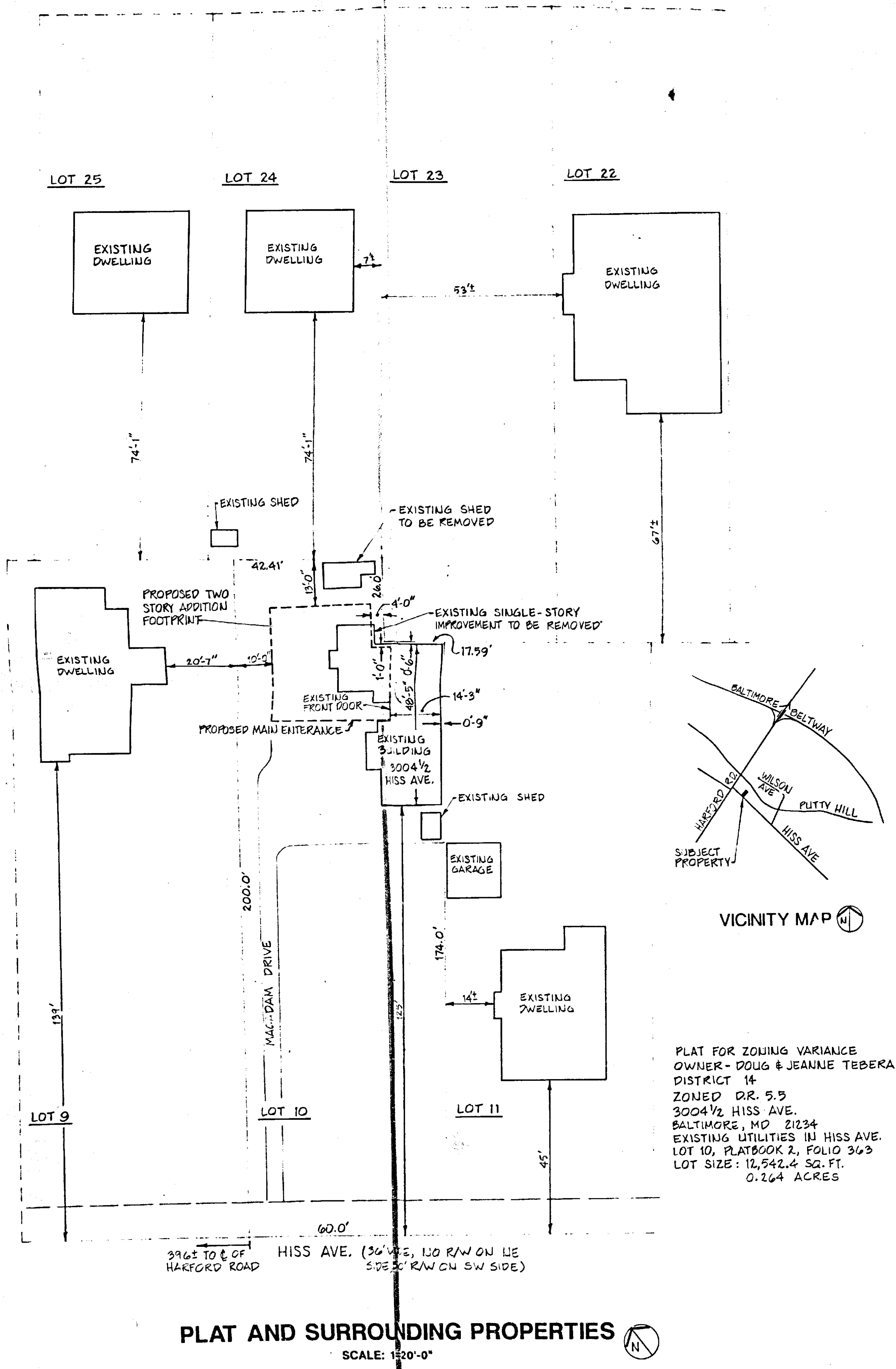


TEBERA RESIDENCE  
3004 1/2 HISS AVE.  
BALTIMORE, MD 21234

PLAT FOR ZONING VARIANCE

DATE:  
MAY 11, 1989

PETITIONER'S  
EXHIBIT 1



PLAT AND SURROUNDING PROPERTIES  
SCALE: 1"=20'-0"